



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,529	07/16/2002	Joe Zock	P-6485	7316

28465 7590 06/20/2006

PATENT GROUP
ATTN: J. KENNETH JOUNG
DLA PIPER RUDNICK GRAY CARY US LLP
203 N. LASALLE ST., SUITE 1900
CHICAGO, IL 60601

EXAMINER

KIM, ANDREW

ART UNIT	PAPER NUMBER
----------	--------------

3712

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/089,529	ZOCK, JOE	
	Examiner	Art Unit	
	Andrew Kim	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 03/29/06 in which:

- Claims 19 and 27 have been amended.
- Claims 34-36 have been canceled.
- Response to claims rejection have been filed.
- Claims 19-33 are pending.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because figures 2a-2j, 3, 4d, and 4e, are too dark and illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 19-22, 24-30 and 32-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoseloff (WO 9855191 A1). This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to Applicant's remarks are provided below and incorporated herein.

Yoseloff discloses an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. Yoseloff discloses:

- funds acceptance means for accepting funds from a player (see wager acceptor 16 of Fig. 1, pg. 7, line 15);
- funds delivery means responsive to the outcome of the game (see coin dispenser of Fig. 2 and receiving tray 28 of Fig. 1, pg. 9, lines 5-10);
- user interface means for allowing the user to interact with the game (see player controls 18 of Figs 1 and 2, pg. 7, line 15);
- game control means for controlling the operation of the game (see microprocessor MPU 20 of Fig. 2, pg. 9), the game control means being responsive to the funds acceptance means, and including generator means for generating a plurality of winning object strings (see block 17 of Fig. 3, pg. 9, lines 19-25) from a set of objects (see page 14, lines 23-28 and symbols 46 of Fig. 4, pg. 9, lines 11-30);
- game display means controlled by the game control means and the user interface means (see display screen 14 of Figs.1 and 2 or display screen 30 of Fig. 4, pg. 7, line 14), the game display means including means for generating a plurality of legs (see rows of numbers 32, 34, 36, 38, 40 and 42 Fig. 4, pg. 10,

lines 1-32), with each leg being arranged to receive at least one object drawn from the set of objects (see block 15 of Fig. 3, pg. 9, lines 1-30),

- wherein each leg has an independently generated winning object string associated with it (page 13, lines 3-10), with the game control means being arranged to sequentially compute a payout per leg in the event of a predetermined correlation existing between the at least one drawn object and the winning object string in respect of a particular leg (see block 21 of Fig. 3, pg. 9, lines 1-30) and to allow the player to select after each sequentially computed payout per leg whether he or she wishes to: (a) receive the payout via cash out button 24 of Figure 1 or (b) receive a portion of the payout and to progress to the next leg, in which case a subsequent winning object string is generated and compared to the at least one drawn object in the next leg, or (c) progress to the next leg, in which case, again, a subsequent winning object string is generated and compared to the at least one drawn object in the next leg (see box 44 and display 48 of Fig. 4, pg. 10, lines 32-38).

Regarding claims 20 and 28, Yoseloff discloses odds varying means for enabling the player to vary the odds in a particular leg during play. See block 15 of Fig. 3, pg. 9, lines 11-18 and page 10, lines 11-14 and page 14, lines 23-28.

Regarding claims 21 and 29, Yoseloff discloses drawn object varying means for dynamically varying the number of drawn objects in a leg during play. See page 14, lines 23-28 and block 15 of Fig. 3, pg. 9, lines 11-18, wherein the player selects a subset of X numbers to play.

Regarding claims 22 and 30, Yoseloff discloses object string varying means for dynamically varying the number of generated objects in the winning string which are to be correlated with the at least one drawn object during play. See page 14, lines 23-28 and block 17 of Fig. 3, pg. 9, lines 19-25, wherein the MPU selects a subset of Y winning symbols.

Regarding claim 24, Yoseloff discloses the drawn objects being player-designated or drawn. See page 14, lines 23-28 and block 15 of Fig. 3, pg. 9, lines 11-18, wherein the player selects a subset of X numbers to play.

Regarding claims 25 and 32, Yoseloff discloses the winning object strings being randomly or pseudo-randomly generated number strings, with the objects being numbered from 0 - 9. See page 15, lines 20-21 and block 17 of Fig. 3, pg. 9, lines 19-25, wherein the subset of Y winning symbols includes 0000-9999.

Regarding claims 26 and 33, Yoseloff discloses a printed ticket which is designed or selected by the player and printed prior to the payout being computed. See ticket 32 of Fig. 4, pg. 10, lines 1-16.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Art Unit: 3712

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff in view of Weiss (U.S. Patent No. 6,511,377). This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to Applicant's remarks are provided below and incorporated herein.

Yoseloff teaches an interactive computer-based gaming system and method for playing a game as recited in claims 19 and 27. However, Yoseloff does not explicitly teach dynamic withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game as recited in claims 23 and 31. In a related gaming system, Weiss teaches withdrawal means for enabling (or withdrawing) a player-determined percentage of the payout to be withdrawn during the course of the game. See Col. 15, line 32 to Col. 16, line 34, wherein a withdraw screen including type of transaction (withdrawal) and transaction amount (amount of withdrawal as expressed by a player-determined percentage) and funds available for withdrawal is displayed on a display. It would have been obvious for one skilled in the art at the time of the invention to incorporate the withdrawal selection menu of Weiss into the gaming system and method of Yoseloff to provide the player with increased cashier control and to provide the gaming establishment with withdrawal details for the player as desirably taught by Weiss.

Response to Arguments

5. Applicant's arguments filed 03/29/06 have been fully considered but they are not persuasive. The Examiner's response to Applicant's arguments follows.

Applicant argues that claims 19, and 27 were amended to clarify and highlight that a user has more control in terms of when the game ends by providing additional player interaction in a wagering game and that those amendments distinguish claims 19-33 over Yoseloff. However, the Examiner respectfully disagrees that the amendments to claims 19 and 27 distinguish claims 19-33 over Yoseloff for at least the reasons stated below.

If one wagered for one game each time, the winning object string would be generated after each leg. In addition, the payout would be computed after each wager to correctly modify the player's balance, if required. Therefore, the Examiner maintains the previous holdings from the prior action for claims 19-33 as amended.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The Examiner can normally be reached on Monday-Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, John Hotaling can be reached on 571-272-4447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AK 6/2/2006



SCOTT JONES
PRIMARY EXAMINER